

JOHN F. COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
MAY 23, 2006  
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

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**MAYOR'S PROCLAMATIONS**

1. **AUSTIN HIGH SCHOOL WEEK**  
Mr. Archangelo A Pokluda, Principal of Austin High School, commented.
2. **NATIONAL PUBLIC WORKS WEEK**  
Ms. Pat Adatao, Deputy City Manager, Development and Infrastructure Services, commented.
3. **NATIONAL DRUG COURT MONTH**  
Ms. Anabel Casas Mendoza commented.
4. **NATIONAL WORKFORCE PROFESSIONALS MONTH**  
Ms. Cindy Capana commented.

**CALL TO THE PUBLIC – PUBLIC COMMENT**

**This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.**

A sign-up form is available on line at [https://www.elpasotexas.gov/city\\_clerk/contact\\_public.asp](https://www.elpasotexas.gov/city_clerk/contact_public.asp) for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Jesus Ochoa commented on the Paso Del Sur Group's observations on the downtown redevelopment plan.

Mayor Cook commented.

2. Mr. Pete Hollen commented on non-working street lights in Tierre Este.

Mayor Cook and Ms. Joyce Wilson, City Manager, commented.

3. Ms. Selfa Chew Smithart commented on the Paso Del Norte Group Revitalization project.
4. Dr. Yolanda Chávez Leyva commented on the Paso Del Norte group plan.
5. Mr. Jesus Luna commented on introducing a man in El Paso's and Juarez's history, his father.
6. Mr. Andres Muro commented on the real estate investment trust regarding the downtown redevelopment plan.

Representative Steve Ortega commented.

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 Motion made by Representative Lilly, seconded by Representative Byrd, and carried to **RECESS** the City Council meeting at 9:55 a.m. for the Mass Transit Department Board Meeting.

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 Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting at 10:00 a.m.

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 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

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 \*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of May 16, 2006, and Special City Council Meetings Minutes of May 15, 2006.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign the Second Amendment to Airline Operating Agreement and Terminal Building Lease by and between the City of El Paso and Air Wisconsin Airlines Corporation for the purpose of extending the term to August 31, 2007.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign an Interlocal Cooperation Contract with the Texas Department of Public Safety ("TDPS") providing for implementation of an automated system ("FTA System") whereby information regarding violators, subject to the provisions of Texas Transportation Code Chapter 706, may be accurately stored and accessed by TDPS for possible denial of renewal of a driver's license. Identified violators will be assessed an administrative fee of \$30.00 for each qualifying citation. Fees to TDPS and the vendor will be paid from collected administrative fees.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a contract with AmeriNational Community Services, Inc. (ACS) thereby authorizing ACS to enter into and administer loan restructuring agreements on certain

delinquent real property secured loans originally provided by and through the Community and Human Development Department and now serviced by ACS.

**1<sup>ST</sup> MOTION**

Motion made by Representative Holguin, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Ms. Lisa Turner to speak.

Mayor Cook and Representatives Byrd, Holguin, and O'Rourke commented.

Ms. Nathalie Prise, Director of Community Development, commented.

Ms. Lisa Turner, citizen, commented.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO ("Buyer") and MERCEDES NAOMI AYALA ("Seller") and any other documentation necessary to consummate the acquisition of the following described legal property:

A parcel of land containing 5,900 square feet, more or less, described as Lots 16 and 17, Block 1, Hadlock Suburban Gardens, an addition to the City of El Paso, according to the Plat thereof recorded in Volume 12, Page 20, Real Property Records, El Paso County, Texas

in the amount of FORTY-TWO THOUSAND AND NO/100THS DOLLARS (\$42,000.00) to be used for the City County Health Administration Building Phase III Project.

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**1<sup>ST</sup> MOTION**

\*Motion made, seconded, and unanimously carried to **MOVE TO REGULAR AGENDA** the following;

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City Manager be authorized to sign a First Amendment to the Professional Services Contract, passed and approved by the City Council on April 26, 2005, by and between the City of El Paso and Half Associates, Inc., originally in the amount of \$200,000 to allow for further development of the open space portion of the Comprehensive Park and Recreation Open Space and Master Plan in the form of a Green Infrastructure Plan, and to add to the original amount stated herein the sum of \$80,450.00 for said Green Infrastructure Plan.

Mayor Cook and Representatives Castro, O'Rourke, Steve Ortega, and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Alan Shubert, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Mr. Richard Schecter, citizen, commented.

**2<sup>ND</sup> AND FINAL MOTION**

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and carried to **APPROVE** the above amended Resolution.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representatives Lozano and Holguin

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\*Motion made, seconded, and unanimously carried to **APPOINT** David W. Wysong to the Airport Board effective June 2, 2006, as requested by Mayor Pro Tempore Beto O'Rourke, District 8.

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\*Motion made, seconded, and unanimously carried to **APPROVE** Change Order No. Two (Construction Change) to Jan-Car, Inc., for Contract No. 2005-195, City County Health Administrative Facility Phase II project, for an increased amount of \$195,571.30. The purpose of this change order is to remodel an additional 3,652 square feet of existing shell space for City/County Health District to allow effective use of time-restricted health funding and deliver the completed call center sooner.

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\*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2006-750 AIRPORT

The budget transfer is necessary to cover the additional enhancement/upgrades to the Airfield GIS System to include vehicle "bricks" with associated hardware and software to provide capability to track speeds to avoid incursions and a lighting inspection system to identify the location of assets needing repair.

|          |           |    |   |
|----------|-----------|----|---|
| Increase | \$150,000 | to | Fund Balance Transfer – Airport Operating Account |
| Increase | \$150,000 | to | Data Processing Equipment-Airport Capital Outlay  |

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\*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2006-766 ENVIRONMENTAL SERVICES

Budget transfer will establish budget for the purchase of furniture for the new offices that will be located at El Paso Drive for Code Enforcement and Centralized Call Center.

|          |              |      |                              |
|----------|--------------|------|------------------------------|
| Decrease | \$ 13,916.29 | from | Land Improvements            |
| Decrease | \$130,000.00 | from | Medical/Scientific Equipment |
| Increase | \$143,916.29 | to   | Furniture & Fixtures         |

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Holguin, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An ordinance granting a Special Privilege to Regent Communications - El Paso to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (access road abutting Convention Center) between San Francisco Avenue and San Antonio Avenue; and Main Drive between Santa Fe Street and El Paso Street from 6:00 a.m. on Friday, June 30, 2006, through 6:00 a.m. on Monday, July 3, 2006, for the El Paso Downtown Street Festival. (Fee: \$225.00, SP-06003)

#### **PUBLIC HEARING WILL BE HELD ON JUNE 6, 2006, FOR ITEM A**

- B.** An Ordinance changing the zoning of a portion of Lot 53, Cinecue Park, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.6 of the El Paso City Code. Subject Property: 8214 Troy Avenue. Applicant: CDE Framing and Remodeling, LLC (Representative: David Estrada). ZON06-00036

#### **PUBLIC HEARING WILL BE HELD ON JUNE 13, 2006, FOR ITEM B**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Lilly, seconded by Representative Holguin, and carried to **POSTPONE** one (1) week discussion and action from the Manufacturing Cabinet of the El Paso Lyceum regarding recommendations to Council on the following items:

- The development of the original video regarding manufacturing
- Establishing a position within the City to support the Maquiladora industry
- A regional strategy planning process for manufacturing

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, and Steve Ortega  
NOT PRESENT FOR THE VOTE: Representatives Castro and O'Rourke  
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## **R E S O L U T I O N**

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**WHEREAS**, President George W. Bush has proposed sending as many as 6,000 National Guard troops to the U.S./Mexico Border to "improve border security,"

**WHEREAS**, the Posse Comitatus Act of 1878 prohibits the U.S. military from patrolling within U.S. borders,

**WHEREAS**, soldiers are trained for war and their training pre-supposes an enemy combatant that is not afforded due process and other protections guaranteed by our constitution,

**WHEREAS**, the residents of the U.S./Mexico Border are not "enemy combatants," and our communities should not be militarized,

**WHEREAS**, Ezequiel Hernandez – a goatherder, a teenager, a U.S. citizen – was shot and killed on U.S. soil by a U.S. Marine on May 20, 1997. The Marines were sent to the border to improve border security and instead they killed a boy,

**WHEREAS**, the proposal threatens the safety and well being of the residents of our border communities,

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor and City Council of the City of El Paso oppose President Bush's proposal and any other proposal that militarizes the border. Further, be it resolved that we instead demand comprehensive immigration reform.

Representatives Lozano, Holguin commented, and Representative Byrd presented a PowerPoint presentation (on file in the City Clerk's office).

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Fernando Garcia

3. Mr. Miguel Miranda
4. Mr. Ray Ibarra

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **APPROVE** the above resolution.

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**NO ACTION WAS TAKEN** on the following item:

Discussion and action on requesting that the Board of Directors of the City/County Health Department perform an annual performance evaluation of the Director and forward their evaluation and recommendations to the City Council and the County Commissioners.

Mayor Cook and Representatives Byrd and Lozano commented.

Dr. Elaine Barron, City-County Health Board representative, commented.

Mr. Ric Schechter, citizen, commented.

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**ITEM:**

Discussion and action on the City of El Paso's approval of a sublease by The El Paso Science Museum--Insights to the Burnham Wood Charter School, subject to the Burnham Wood Charter School receiving a grant from the Communities Foundation of Texas or the Texas Education Agency, and the sublease including the City's conditions, including but not limited to, off-site parking in accordance with City Code requirements, the City's approval of a traffic plan to accommodate pick up/drop off of students, the Lessee and Sub-lessee approving the City's right of first refusal to purchase any improvements or structures constructed on the leased premises, and the City receiving fair market rental for the leased area; and an appropriate amendment of the February 27, 1992, lease between the City of El Paso and The El Paso Science Museum--Insights.

Mayor Cook and Representative Byrd, Lozano, Presi Ortega, Jr., Holguin, Lilly, and Steve Ortega commented.

The following members of City staff commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Theresa Cullen-Garney, City Attorney's Office

Mr. Frank Ainsa, attorney for the Burnham Wood Charter School, commented.

Mr. Tom Erickson, attorney for the Insights Museum, commented.

The following members of the public commented:

1. Dr. Pat Monardes
2. Ms. Lisa Turner

Motion made by Representative Lozano, seconded by Representative Presi Ortega, Jr., and unanimously carried for the Mayor to **SEND A LETTER OF SUPPORT** on behalf of the Burnham Wood Science School.

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 \*Motion made, seconded, and unanimously carried to **DELETE** Solicitation No: 2006-075 EPIA Golf Course Roadway

Location: 1000 George Perry Dr.

|                            |                               |
|----------------------------|-------------------------------|
| Contractor:                | Southwest Growth, Corp.       |
|                            | El Paso, Texas                |
| Department:                | Airport                       |
| Funds Available:           | 62620026-PAP0018-41053-508027 |
| Funding Source:            | Airport Revenue               |
| Items:                     |                               |
|                            | Base Bid I \$1,291,231.50     |
|                            | Base Bid II \$ 219,488.75     |
|                            | Base Bid III \$ 84,544.25     |
| Total Award:               | \$1,595,264.50                |
| Estimated Completion Date: | October, 2006                 |
| District(s):               | 2                             |

# **RECOMMENDATION:**

The Departments of Engineering and Airport recommend the award of this contract to Southwest Growth, Corp., the 2<sup>nd</sup> lowest bidder. Based on the information received by the City, VeMac, L.P., the lowest bidder, was found non-responsible due to insufficient experience and expertise. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract and any other documents which are necessary to carry out the intent of this award.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity.

As part of the award of this contract, the City Engineer may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, and do not effect the unit price not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Presi Ortega, Jr. commented.

Ms. Laura Gordon, Deputy City Attorney, commented.

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and carried to  
**AWARD** Bid Solicitation No. 2006-115 Vehicle Rental Concessionaire

|                 |           |   |
|-----------------|-----------|---|
| Recommendation: | Vendor 1: | The Hertz Corporation<br>Park Ridge, NJ   |
|                 | Amount:   | \$1,067,800.00 (minimum annual guarantee for the first year of the contract)            |
| Recommendation: | Vendor 2: | Avis Rent-A-Car System, LLC<br>Parsippany, NJ   |
|                 | Amount:   | \$722,504.00 (minimum annual guarantee for the first year of the contract)              |
| Recommendation: | Vendor 3: | Devos Motor Co., Inc. (dba Dollar Rent-A-Car and dba Thrifty Car Rental)<br>El Paso, TX |
|                 | Amount:   | \$472,086.10 (minimum annual guarantee or the first year of the contract)               |
| Recommendation: | Vendor 4: | Enterprise Leasing Company-West<br>Albuquerque, NM                                      |

|                            |  |  |
|----------------------------|--|--|
|                            | Amount:  | \$456,980.00 (minimum annual guarantee for the first year of the contract)                                   |
| Recommendation:            | Vendor 5:  | Midwest Car Corporation; an Independent Licensee of National Car Rental and Alamo Rent-A-Car<br>Kaukauna, WI |
|                            | Amount:  | \$403,000.00 (minimum annual guarantee for the first year of the contract)                                   |
| Recommendation:            | Vendor 6:  | Southwest-Tex Leasing Company, Inc. dba Advantage Rent-A-Car<br>San Antonio, TX                              |
|                            | Amount:  | \$342,545.00 (minimum annual guarantee for the first year of the contract)                                   |
| Recommendation:            | Vendor 7:  | Budget Rent-A-Car of El Paso, Inc.<br>El Paso, TX  |
|                            | Amount:  | \$277,650.00 (minimum annual guarantee for the first year of the contract)                                   |
| Department:                | Department of Aviation   |  |
| Funds available:           | Revenue Contracts  |  |
| Funding source:            | Revenue Contracts  |  |
| 1 <sup>st</sup> Year Total | \$3,742,565.10 (total minimum annual guarantee for the first year of the contract) |  |
| 4 Year Total               | \$14,970,260.40 (minimum with possible increases based on each year's revenues)    |  |

District (s): 3

The Department of Aviation and the Financial Services Department, Purchasing Division, recommend award as indicated to the responsive offers from responsible parties. These are concession, revenue-generating contracts.

These are contracts for the operation of nonexclusive vehicle rental concessions at the El Paso International Airport. These contracts are for a four (4) year time period with the City having the option, exercisable in its sole and absolute discretion, to extend the term for an additional one (1) year period. Contracts to start July 1, 2006. In the second, third, and fourth year of the agreement (and if the City in its sole and absolute discretion exercises its option to extend the term of the agreement for an additional fifth year), compensation to the City shall be the greater of: 1.) ten percent (10%) of the total annual gross revenues; or 2.) a minimum annual guarantee equal to the greater of eighty-five percent (85%) of the guaranteed amount paid for the immediate preceding year; or 3.) one hundred percent (100%) of the minimum annual guarantee for the first year of the agreement.

Additionally, it is requested that the City Attorney's Office review and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NOT PRESENT FOR THE VOTE: Representative Lozano

**ORDINANCE 16362**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 5, BLOCK 1A, RANGER REST SUBDIVISION UNIT FOUR, EL PASO, EL PASO COUNTY, TEXAS, FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**



Mayor Cook commented.

Motion duly made by Representative Steve Ortega, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
ABSTAIN: Representative Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16363**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE), CHAPTER 6.16 (TAXICABS), OF THE EL PASO CITY CODE TO AMEND THE PROVISIONS RELATING TO RATE SCHEDULES.**

Mayor Cook and Representatives Lozano and Castro commented.

The following members of City Staff commented:

- 1. Mr. Alan Shubert, Development Services
- 2. Mr. Pat Abeln, Director of Aviation

The following members of the public commented:

- 1. Mr. Erasmo Andrade
- 2. Mr. Ismael Estrada
- 3. Ms. Lisa Turner
- 4. Mr. Eric Reed

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16364**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO S & V ENTERTAINMENT, LLC TO TEMPORARILY CLOSE A PORTION OF SAN ANTONIO AVENUE BETWEEN STANTON STREET AND KANSAS STREET FOR VARIOUS STREET FESTIVALS ON THE FOLLOWING DATES: MAY 27, 2006; JUNE 3, 10, 17, AND 24, 2006; JULY 1, 8, 15, 22, AND 29, 2006; SEPTEMBER 16, 2006; OCTOBER 31, 2006; AND DECEMBER 31, 2006.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16365**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.04 (GENERAL PROVISIONS), OF THE EL PASO CITY CODE BY AMENDING SUBSECTION 19.04.170.A (MODIFICATIONS OF CONDITIONS) IN ORDER TO CLARIFY THE AUTHORITY AND SCOPE OF THE CITY PLAN COMMISSION IN GRANTING MODIFICATIONS TO THE SUBDIVISION REGULATIONS OF TITLE 19; AND AMENDING SUBSECTION 19.04.170.C (MODIFICATIONS OF CONDITIONS) IN ORDER TO ALLOW A REQUEST FOR MODIFICATION TO BE SUBMITTED AT ANY TIME PRIOR TO THE RECORDING OF THE PLAT. THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.**

Representatives Byrd, O'Rourke, and Steve Ortega commented.

Ms. Pat Adaauto, Deputy City Manager, Development and Infrastructure Services, commented.

Mr. Richard Schecter, citizen, commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16366**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 3A, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL), AND IMPOSING CONDITIONS; PARCEL 2: A PORTION OF TRACT 3A, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL), AND IMPOSING A CONDITION; AND PARCEL 3: A PORTION OF TRACT 3A-1, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, FROM R-F (RANCH AND FARM) TO R-5 (RESIDENTIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Castro commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Castro, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, O'Rourke  
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ITEM:  
An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090.B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100.B.1 (Fee in Lieu of Parkland Dedication) in order to revise the time at which fees in lieu of parkland dedication are calculated for certain applications and decrease the park fee to be paid to the City in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and carried **TO SEND TO THE PLANNING AND DEVELOPMENT SERVICES LEGISLATIVE REVIEW COMMITTEE** an Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090.B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100.B.1 (Fee in Lieu of Parkland Dedication) in order to revise the time at which fees in lieu of parkland dedication are calculated for certain applications and decrease the park fee to be paid to the City in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code.

Representative Byrd commented.  
  
Ms. Pat Aauto, Deputy City Manager, Development and Infrastructure Services, commented.  
  
Mr. Richard Schecter, citizen, commented.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
NAYS: Representative Lozano

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:36 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** Jesus Luna vs. Lt. Lisa Gailey, et. al.; Cause No. EP-06-CA-0067-FM (551.071)
- EX2.** Jacob Telles vs. The City of El Paso, et. al.; Cause No. EP-03-CA-0528KC (551.071)
- EX3.** Discussion and action on lifting the Order of Eminent Domain from the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071)
- EX4.** Discussion and action on requesting the City Attorney to dismiss the lawsuit filed for Eminent Domain regarding the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071)

Motion made by Representative Lozano, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 9:10 a.m. and reconvene the meeting of the City Council, during which time motions were made.

.....  
 Motion made by Representative Lozano, seconded by Representative Castro, and carried to **MOVE EXECUTIVE SESSION ITEMS TO THE FOREFRONT**.

AYES:               Representatives Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
 NAYS:               Representatives Lilly and Byrd

.....  
 Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and carried that the City Attorney's Office be authorized to **REJECT** Plaintiff's settlement demand in the lawsuit styled *Jesus Luna v. Lt. Gailey, et. al.*, Cause No. EP-06-CA-0067-FM.

AYES:               Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke  
 NAYS:               Representatives Lozano

.....  
**NO ACTION WAS TAKEN** on the following item:

Jacob Telles vs. The City of El Paso, et. al.; Cause No. EP-03-CA-0528KC (551.071)

.....  
 The following items were taken together:

Discussion and action on lifting the Order of Eminent Domain from the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071)

Discussion and action on requesting the City Attorney to dismiss the lawsuit filed for Eminent Domain regarding the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071) [Representative Jose Alexandro Lozano, (915) 541-4515]

**1<sup>ST</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. William Abraham to speak.

**2<sup>ND</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. William Abraham an additional minute to speak.

**3<sup>RD</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin, and carried to **SUSPEND THE RULES OF ORDER** and allow Mr. Sib Abraham to speak for three minutes.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., and Holguin  
NAYS: Representatives Steve Ortega and O'Rourke

#### **4<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin, to dismiss 1<sup>st</sup> lawsuit and wait 90 days before filing any new motions. The motion **FAILED**.

#### **5<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **RECONSIDER** the motion to dismiss.

#### **6<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin, to dismiss 1<sup>st</sup> lawsuit and wait 90 days before filing any new motions. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin  
NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

#### **7<sup>TH</sup> MOTION**

Motion made by Representative Lozano, seconded by Representative Holguin, and carried to **RETIRE** into Executive Session under Section 551.071 at 11:17 a.m.

AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., and Holguin  
NAYS: Representatives Byrd, Steve Ortega, and O'Rourke

#### **8<sup>TH</sup> MOTION**

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and unanimously carried to **ADJOURN** the Executive Session at 11:28 a.m. and reconvene the meeting of the City Council.

Mayor Cook and Representatives Lozano, Steve Ortega, Holguin, O'Rourke, Presi Ortega, Jr., Castro, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Laura Gordon, Deputy City Attorney
3. Mr. Tom Maguire, Building Services
4. Mr. Alan Shubert, Development Services

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. William Abraham
3. Mr. Bernie Sargent, Historic Commission
4. Mr. Sib Abraham

#### **9<sup>TH</sup> AND FINAL MOTION**

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **DELETE** discussion and action on lifting the Order of Eminent Domain from the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071) and to **DELETE** discussion and action on requesting the City Attorney to dismiss the lawsuit filed for Eminent Domain regarding the AB Fall Mansion home, 1725 Arizona Avenue, for a period of ninety (90) days by Representative Jose Alexandro Lozano. (551.071)

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke  
NAYS: Representatives Lozano, Castro, and Holguin

.....  
Motion made by Representative Presi Ortega, Jr., seconded by Representative Lilly, and unanimously carried  
to **ADJOURN** this meeting at 1:24 p.m.  
.....

**APPROVED AS TO CONTENT:**

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Richarda Duffy Momsen, City Clerk